Crawford v. Marion County Election Board (Indiana Case)
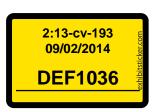553 U.S. 181 (2008)

Summary

- **State of Indiana passes law requiring all voters to show a government-issued photo ID when voting in primary or general election. (2005)**
  - o **No photo ID required to register to vote.**
  - o **State offered free photo ID to qualified voters able to establish residence and identity.**

- **District Court granted summary judgment for state, saying that there had been no "evidence of a single, individual Indiana resident who will be unable to vote as a result" of the law or who will have their right to vote unduly burdened by the requirements of the law. (2006)**
  - o **Additionally, the evidence presented that almost 100,000 voters did not have photo ID as "utterly incredible and unreliable…"**

- **Court of Appeals (7th Cir.) affirmed, stating that the burden on voters was offset by the benefit of reducing the risk of fraud. (2007)**

Opinion (Stevens)

- **This bill would enhance the integrity of the State voting system for all Texans and make the voting process more reliable.**
  - o **"[T]he general rule [is] that 'evenhanded restrictions that protect the integrity and reliability of the electoral process itself' are not invidious and satisfy the standard set forth in *Harper*."**
    - ▪ **553 U.S. at 6 (citing *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 788 n. 9 (1966)).**

- **Legitimate and relevant state interests can justify a slight burden on voters.**
  - **553 U.S. at 7.**
  - o **Indiana's goals "relevant to the State's interest in protecting the integrity and reliability of the electoral process." (THESE ARE APPLICABLE IN TEXAS ALSO.)**
    - **Deterring and detecting voter fraud;**
    - **Improving and modernizing election procedures;**
    - **State's particular interest in preventing voter fraud; and**
    - **Safeguarding voter confidence.**

- **Carter-Baker Report**
  - o **Congress (through HAVA and NVRA) "believes that photo ID is one effective method of establishing a voter's qualification to vote and that the integrity of elections is enhanced through improved thechnology."**
    - **553 U.S. at 9.**
  - o **From Carter-Baker: "Photo identification cards currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important."**
    - **Can be argued that voting is MORE important than these issues listed.**
    - **553 U.S. at 10.**

- **Photo ID is a low burden for voters to endure.**
  - o **Photo ID cards issued by Indiana are free.**
    - **As they are under SB 14.**
  - o **Inconvenience of trip to get the ID, gathering the documents, and posing for a photo "SURELY does not qualify as a substantial burden on the right to**

vote, or even represent a significant increase over the usual burdens of voting." 553 U.S. at 15 (emphasis added).

- Similar to SB 14.
- o Burden is mitigated by the ability to cast provisional ballots that will ultimately be counted. 553 U.S. at 16.
  - As they will be with SB 14.

- Balancing Test
  - o Court will not weigh burdens of "a small number of voters who may experience a special burden under the statute" and weigh "their burdens against the State's broad interests in protecting election integrity."
  - o Facial challenge fails where statute has "plainly legitimate sweep."
  - o Broad application to ALL Indiana voters imposes only a limited burden on voters' rights.

- When evaluating a neutral, nondiscriminatory regulation of voting procedure, '[w]e must keep in mind that "'[a] ruling of unconstitutionality frustrates the intent of the elected representatives of the people.'"'
  - o 553 U.S. at 19 (citing Ayotte v. Planned Parenthood of Northern New Eng., 546 U.S. 320, 329 (2006)).

- Partisanship
  - o If a nondiscriminatory law is supported by valid neutral justifications, those should not be disregarded simply because partisan interests may have provided one motivation for the votes of individual legislators.
    - 553 U.S. at 20.

- o **Justice John Paul Stevens ("Liberal Lion" of the Supreme Court) penned this opinion.**
- o **President Jimmy Carter (in the Carter-Baker Report) endorses the idea of voter ID.**
  - ▪ **Voting as a most important social function should require some ID.**